



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/835,105	04/04/97	SCHULZE	2937-3

DAVID F. ZINGER
1700 LINCOLN STREET
SUITE 3500
DENVER CO 80203

LM01/0617

EXAMINER
NIMMO, J

ART UNIT	PAPER NUMBER
2766	

DATE MAILED: 06/17/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/835,105

Applicant(s)
Evertt E. Schulze Jr.

Examiner
James Nimmo

Group Art Unit
2766



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-14 and 16-23 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-14 and 16-23 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2766

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 1 - 10, and 11 rewritten to include the limitation cited in claim 15 is withdrawn in view of the newly discovered reference(s) to De Lapa et al and Day et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20 - 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Lapa et al in view of Day et al.

A. In regards to claim 1, De Lapa et al disclose conducting an interview with a first consumer to obtain responses to telecommunication survey questions, see Fig. 6, and col. 9 lines 6 - 26. Also in regards to claim 1, De Lapa et al disclose storing data related to the first

Art Unit: 2766

consumer's responses to the telecommunications survey questions in data storage means, see Fig. 6, and col. 9 lines 6 -26. Further in regards to claim 1, De Lapa et al disclose providing written survey questions to the first consumer, see Fig. 6, col. 8 line 60 to col. 9 line 6.

Continuing with claim 1, De Lapa et al fail to disclose deciding whether to send an identification card based on the results of the conducting step. Also in regards to claim 1, De Lapa et al fail to disclose supplying the identification card to the first consumer when a decision is made to do so by the deciding step. Further in regards to claim 1, De Lapa et al fail to disclose replying on data previously stored for the first consumer in responding to use of the identification card of the first consumer for the first time in an interactive apparatus to output a benefit receipt, with the data relied on being obtained from at least one of at least one of the telecommunication survey questions and written survey questions.

However, Day et al disclose receiving, for the first time, the identification card for the first consumer in an interactive apparatus, see col. 5 lines 20 - 36. Also in regards to claim 1, Day et al disclose replying on data previously stored for the first consumer in responding to the use of the identification card of the first consumer for the first time in the interactive apparatus to output a benefit receipt (a printed lottery number), see col. 5 lines 37 - 45, and col. 5 lines 44 - 55.

Motivation exist to incorporate this apparatus into De Lapa et to provide for another means for obtaining more information that is different from the consumer obtained during the obtaining step to better target the consumer.

Art Unit: 2766

Continuing with claim 1, Day et al fail to disclose deciding to send the first consumer an identification card based on results from the conducting step. Also in regards to claim 1, Day et al fail to disclose the output of the receipt, with the data relied on being obtained from at least one of the telecommunication survey questions and the written survey questions, but rather with the data relied on being obtained from interactive information. Further in regards to claim 1, Day et al fail to disclose presenting interactive survey questions to the first consumer using the interactive apparatus, but rather obtaining interactive information from the first consumer using the interactive apparatus. Finally, Day et al fail to disclose rewarding the first consumer when the first consumer responds to at least one of the interactive survey questions, but rather rewarding the first consumer based on the interactive information.

Continuing with claim 1, the examiner asserts that it is well known that retail stores distribute ID cards to consumers who respond to a survey. Also in regards to claim 1, it would have been obvious to one of ordinary skill in the art that in a system combining De Lapa et al and Day et al that the output of the receipt would be based data relied on being obtained from at least one of the telecommunication survey questions and the written survey questions obtained in De Lapa et al to better target the benefit receipt. Further in regards to claim 1, it would have been obvious for the purchasing information obtained in Day et al to be survey to provide more precise information. Therefore, it would have been obvious to modify the combination of De Lapa et al and Day et al to present interactive survey questions to the first consumer using the interactive

Art Unit: 2766

apparatus, and rewarding the first consumer when the first consumer responds to at least one of the interactive survey questions.

B. As for claim 2, De Lapa et al disclose the conducting step includes requesting information about marketing factors that include hobbies, see col. 9 lines 6 -26.

C. As for claim 3, it would have been obvious that the deciding step includes reaching a decision not to send the identification card based on a refusal to answer at least one of the telecommunication survey question since there would be no information provided to base what type of benefit receipt to issue to the consumer.

D. As for claim 4, it would have been obvious for the written survey questions include questions that are different from the telecommunication survey to gather more information than is provided by the telecommunication survey, thus being able to better determine the benefit receipt provided to the first consumer.

E. As for claim 5, Day et al disclose storing the consumer's information in a database, see Fig.1, and col. 3 lines 24 - 31. Also for claim 5, as mentioned in comments on claim, it would have been obvious to use survey questions to gather this information. Therefore, it would have been obvious in the presenting step to include storing data related to the first consumer's responses to the interactive survey questions in the storage means.

Art Unit: 2766

F. As for claim 6, Day et al disclose downloading information to the interactive apparatus based on the data that was previously stored related to the first consumer's responses, see col. 3 lines 24 -31, and col. 5 lines 37 - 55.

G. As for claim 7, it would have been obvious to initiate supplemental survey questions by one of the consumers to provide data from the one consumer and storing the data from the supplemental survey questions in the data storage device to better target the coupons for the particular consumer.

G. As for claim 8, it is well known that more someone is paid, the more that person is willing to cooperate. Therefore, it is obvious in the rewarding step mentioned in claim 1 for further benefit to elicit further cooperation from the consumer.

H. As for claim 9, it is inherent in De Lapa et al that the telecommunication surveys are conducted with a plurality of consumers. Also for claim 9, it is inherent that an identification card is sent to all consumers selected in the deciding step of claim. Further for claim 9, it would have been obvious to inquire of the second consumer using the interactive survey questions different from the interactive survey questions used with the first consumer, since the interactive survey questions function as follow-up questions to the telecommunication survey questions. Furthermore each telecommunication survey results would be different from each other. Therefore, different telecommunication survey results would yield different follow-up surveys questions (interactive survey questions). Therefore, it would have been obvious to modify De Lapa et al to inquire of the second consumer using the interactive survey questions different from

Art Unit: 2766

the interactive survey questions used with the first consumer to accommodate different telecommunication survey results. Finally for claim 9, it would have been obvious to output a benefit receipt to a second consumer that is different from the benefit receipt provided to the first that is different from the benefit receipt provided to the second consumer is based on different responses received from the telecommunication survey questions with the second consumer to reflect the shopping interest of the two consumers based on the different survey results.

I. As for claim 10, Day et al disclose gather information with the identification card of the first consumer and the additional information includes information received from the first consumer directed to the marketing factors, see col. 5 lines 37 - 55.

J. In regards to claim 20, De Lapa et al disclose obtaining information from at least a first consumer from a telecommunications survey questions, see Fig. 6, and col. 9 lines 6 - 26. Also in regards to claim 20, De Lapa et al disclose generating a coupon related to a first product using information obtained by a survey, see col. 15 line 60 to col. 16 line 9.

Continuing with claim 20, De Lapa et al fail to disclose receiving interactive information for at least a first consumer using an interactive apparatus, and identification information inputted by the consumer. Also in regards to claim 20, De Lapa et al fail to disclose providing a consumer benefit receipt, different from the coupon, to the consumer. However, Day et al disclose receiving interactive information for at least a first consumer using an interactive apparatus and identification information obtained from an identification card inputted by the consumer, see col. 5 lines 20 - 36. Continuing with claim 20, Day et al disclose using the information associated with

Art Unit: 2766

the card to special offers available to the particular consumer, see col. 5 lines 25 - 29. The examiner asserts that these special offers serve the function of electronic coupons. Motivation exist to use electronic coupons instead of physical coupons such that the consumer is not required to carry physical coupons thus making it more convenient for the consumer. Motivation exist to incorporate this apparatus into De Lapa et to provide for another means for obtaining more information that is different from the consumer obtained during the obtaining step to better target the consumer. Therefore, it would have been obvious to one of ordinary skill in the art to modify De Lapa et to include the interactive apparatus to receive interactive information for at least a first consumer using the interactive apparatus and identification information input by the first consumer that is different from the first consumer information obtained in the obtaining step to provide for another means for obtaining more information that is different from the consumer obtained during the obtaining step to better target the consumer. Finally in regards to claim 20, Day et al disclose providing a consumer benefit receipt (a printed lottery number), different from the coupon, to the consumer for providing the interactive consumer information, see col. 5 lines 44 - 55.

K. As for claim 21, Day et al disclose inputting an identification card to interactive apparatus related to supplying the identification information, see col. 5 lines 20 - 36.

L. In regards to claim 22, De Lapa et disclose a first means for obtaining information from at least a first consumer from a telecommunications survey questions, see Fig. 6, and col. 9 lines 6 - 26. Also in regards to claim 22, De Lapa et disclose a coupon related to a first product,

Art Unit: 2766

see col. 9 lines 27 - 52. Further in regards to claim 22, De Lapa et disclose a second means for generating the coupon using the first consumer information, see Fig. 6, and col. 15 lines 15 - 36.

Also in regards to claim 22, De Lapa et disclose a third means for redeeming the coupon when the first product is purchased, see col. 9 line 64 to col. 10 line 23.

Continuing with claim 22, De Lapa et fail to disclose an interactive apparatus for receiving interactive information for at least a first consumer that is identified to the interactive apparatus using identifying information. Also in regards to claim 22, De Lapa et fail to disclose a consumer benefit receipt provided to the first consumer based on the interactive information received from the first consumer using the interactive apparatus. However, Day et al disclose an interactive apparatus for receiving interactive information for a first consumer that is identified to the interactive apparatus when the first product is purchase, see col. 5 lines 20 - 36. Finally in regards to claim 22, Day et al disclose a consumer benefit receipt provided to the first consumer based on the interactive information received from the first consumer using the interactive apparatus, see col. 5 lines 36 - 55. Motivation for combining these two references is found in the comments on claim 20.

M. As for claim 23, Day et al disclose the consumer benefit receipt is a reward exchangeable for cash or its equivalent, see col. 5 lines 36 - 55.

4. Claims 11 - 14, and 16 -19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oyama et al in view of De Lapa et al.

Art Unit: 2766

A. In regards to claim 11, Oyama discloses a questionnaire system which uses an interactive apparatus that presents interactive survey questions to a consumer after inserting an ID card in said apparatus and providing a benefit receipt (ticket), see Fig. 9, col. 15 lines 24-39, col. 10 lines 29 - 36, and claim 5. Also in regards to claim 11, it is well known for the benefit to be a cash reward. Further in regards to claim 11, it is obvious to modify Oyama's system to provide a reward since it would encourage consumers to participate in the survey. Oyama's system is a self-service system with apparatuses are located in open public places. It would be unsafe to have such apparatuses dispense cash at such locations. It would therefore have been obvious to one of ordinary skill in the art to have Oyama's apparatuses to provide a receipt for later redemption for cash. Also in regards to claim 11, Oyama et al disclose a storage means for storing data obtained from the interactive apparatus, see Fig. 1, Fig. 7, and col. 9 lines 20 - 23. Continuing with claim 11, Oyama fails to disclose a telecommunication survey network to conduct surveys.

However, De Lapa et al disclose a telecommunication survey network for providing telecommunication survey questions to at least a first consumer and receiving data from the first consumer related to the telecommunication survey questions, see Fig. 6, and col. 9 lines 6 - 26. Also in regards to claim 1, De Lapa et al disclose a storage means for storing the data obtained using the telecommunication survey network, see Fig. 6, and col. 9 lines 6 - 26. Motivation exist to incorporate De Lapa et al in Oyama et al to target consumers who would want to participate in an in store survey. Continuing with claim 11, De Lapa et al disclose a storage means for storing the data obtained using the telecommunication survey network, see Fig. 6, and col. 9 lines 6 - 26.

Art Unit: 2766

Also in regards to claim 11, De Lapa et al disclose the storage means also stores data from the consumer based on the written survey questions, see Fig. 6, and col. 8 line 60 to

It is well known that retail stores distribute ID cards to consumers who respond to a survey. Further the examiner asserts that it is well known to use a telecommunication network to conduct surveys (e.g. an operator place or takes a call from a participant in a survey). The examiner asserts that it would have been obvious to use the telecommunication network to conduct surveys for ID cards. One of ordinary skill in the art would have been motivated to do so in order to make it more convenient for consumers to take the surveys. It would have been obvious that organizations that collected demographic information would want all survey information stored in order to correlate the type of people receiving the ID cards to find out what they are buying in the stores.

B. In regards to claim 12, it is well known that more someone is paid, the more that person is willing to cooperate. Therefore, it is obvious to repeat the steps mentioned in claim 11 for further benefit to elicit further cooperation from the consumer.

C. In regards to claim 13, it is well known that ID cards provided by retail store are use to give consumers at these stores benefits. These retail stores often require the consumer to provide such information such as the consumer's name and address. It is obvious that some of the information (i.e. the consumer's name which makes the ID card non-transferable) on the cards would be used to determined which benefits are given to the consumer.

Art Unit: 2766

D. In regards to claim 14, it is obvious to modify Oyama's system such that the interactive apparatus's memory card (see Fig. 1) communicates directly (i.e. via modem) with data storage means to make it more convenient to analyze the said data. The examiner asserts that it would be more convenient for the consumer to have the data from the telecommunication survey questions directly to the storage means via the previously mentioned operator.

E. As for claim 16, it is obvious that organizations for which demographic data is collected desire all data stored for analyzes. Therefore, it is obvious that data obtained from the consumer when the consumer initiates supplemental survey questions would be stored by the storage means such that the data can be analyzed.

F. In regards to claim 17, it would have been obvious that organizations that collected demographic information would want all survey information stored in order to correlate the type of people receiving the identification cards to find out what they are buying in the stores.

G. In regards to claim 18, it was shown in the discussion on claim 11 that for safety reasons a voucher in the form of receipt could be issued by the said interactive apparatus for later redemption for cash.

H. As for claim 19, it would have been obvious that someone who provides additional services receives a larger reward (benefit) for those additional services. By answering survey questions, the consumer is providing a service for the surveyor. Since answering survey questions is a form of service, it is reasonable to offer a consumer a cash benefit for answering survey questions as an incentive for a consumer to participate in a survey. Therefore, one of ordinary skill

Art Unit: 2766

in the art would naturally allot a consumer an additional cash benefit for answering additional survey questions.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Nimmo whose telephone number is (703) 306-5417. The examiner can normally be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail Hayes, can be reached on (703) 305-9711. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-0040.



GAIL O. HAYES
SUPERVISORY PATENT EXAMINER
GROUP 2700



J.N.

June 4, 1999